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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,324	07/06/2000	James W. Edwards	10559-227001/P8792	7184

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,324

Applicant(s)

EDWARDS ET AL.

Examiner

Carl Colin

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Pursuant to USC 131, claims 1-30 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: on page 14, line 10, 'occurs' should be --occur--.

Appropriate correction is required.

Drawings

3. Figures 1 and 2 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the reference number (12) not mentioned in the description. Appropriate correction is required.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. **Claims 9 and 18** are objected to because of the following informalities: in order to avoid rendering the claim indefinite, the term "capable of" should be corrected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.1 **Claims 1-8, 10-17, and 19-30** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,141,759 to **Braddy**.

5.2 **As per claim 1, Braddy** discloses a method of establishing communications comprising: establishing a virtual connection between a source endpoint located behind a first connectivity barrier and a destination endpoint located behind a second connectivity barrier (see figure 17 and column 26, lines 51-61 and column 5, lines 14-23). **Braddy** discloses that his invention can implement any combination of intranets and extranets as known in the art.

As per claims 2, 12, and 21, Braddy discloses the limitation of wherein at least one of the connectivity barriers comprises a firewall (see figure 17).

As per claims 3, 13, and 22 Braddy discloses the limitation of wherein at least one of the connectivity barriers comprises a consumer gateway (see figure 17).

As per claim 4, Braddy discloses the limitation of wherein establishing a virtual connection includes: establishing a first session between the source endpoint and a service; and establishing a second session between the destination endpoint and the service (see abstract).

As per claims 5 and 14, Braddy discloses the limitation of including assigning one or more servers associated with the service to handle the sessions (see abstract).

As per claims 6 and 15, Braddy discloses the limitation of in which the virtual connection is established based on a virtual host name associated with the source endpoint (see column 20, lines 29-37 and column 10, lines 38-61 and column 11, lines 31-50).

As per claims 7, 16, 24, and 30, Braddy discloses the limitation of wherein the virtual host name comprises part of a hierarchical naming system (see column 22, lines 56-59).

Art Unit: 2136

As per claims 8 and 17, Braddy discloses the limitation of including providing a directory search application to allow a user to select the virtual host name (see column 17, lines 29-57).

As per claims 10, 19, and 25, Braddy discloses the limitation of including dynamically assigning at least one server associated with the service to handle the sessions (see column 18, lines 13-34).

As per claim 11, Braddy discloses a method of establishing communications between source and destination endpoints comprising: establishing a session between the source endpoint located behind a connectivity barrier and a service; and establishing a transport level communications connection between the service and the destination endpoint (see figure 4).

As per claim 20, Braddy discloses a system comprising: a service arranged to respond to a request from a first endpoint to establish communications with a second endpoint, wherein, if the second endpoint is located behind a connectivity barrier, a session initiated by the second endpoint is established with the service (see column 25, lines 49-67), and if the second endpoint is not located behind a connectivity barrier, a transport level communications connection is established with the second endpoint (see figure 4).

As per claims 23 and 29, Braddy discloses the limitation of wherein the service is arranged to assign a server to handle the session between the first endpoint and the service based on a virtual host name associated with the first endpoint (see column 12, lines 28-37).

As per claim 26, Braddy discloses an article comprising a computer-readable medium including computer-executable instructions for causing a computer system, in response to a request from a first endpoint located behind a first connectivity barrier to establish connectivity to a second endpoint, to assign a server to handle a session between the first endpoint and a service (see abstract); and establish a session initiated by the second endpoint if the second endpoint is located behind a second connectivity barrier (see column 25, lines 49-67).

As per claim 27, Braddy discloses the limitation of including instructions for causing the computer system to establish a transport level communications connection to the second endpoint if the second endpoint is not located behind a connectivity barrier (see figure 4).

As per claim 28, Braddy discloses the limitation of including instructions for causing the computer system to instruct the first endpoint to establish a direct session with the second endpoint if the second endpoint is not located behind a connectivity barrier (see figure 18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6.1 **Claims 9 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,141,759 to **Braddy**.

6.2 **As per claims 9 and 18, Braddy** substantially teaches the claimed method of claims 1 and 11 of establishing communications comprising a firewall. **Braddy** does not explicitly disclose roaming between networks. However, Official Notice is taken by examiner that roaming between networks is notoriously well known for a wireless to search between networks to reestablish sessions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Braddy** to allow roaming between networks so as to reestablish sessions.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses the use of monitoring communication between clients and servers. Many of the claimed features, (i.e. session using firewall, forwarding service-specific information, etc.) are disclosed in these references.


US Patents:	5,951,694	Choquier et al.	US 2003/0182431	Sturniolo et al.
	6,104,716	Chrichton et al.	6,484,261	Wiegel

7.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Carl Colin
Patent Examiner
January 29, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100